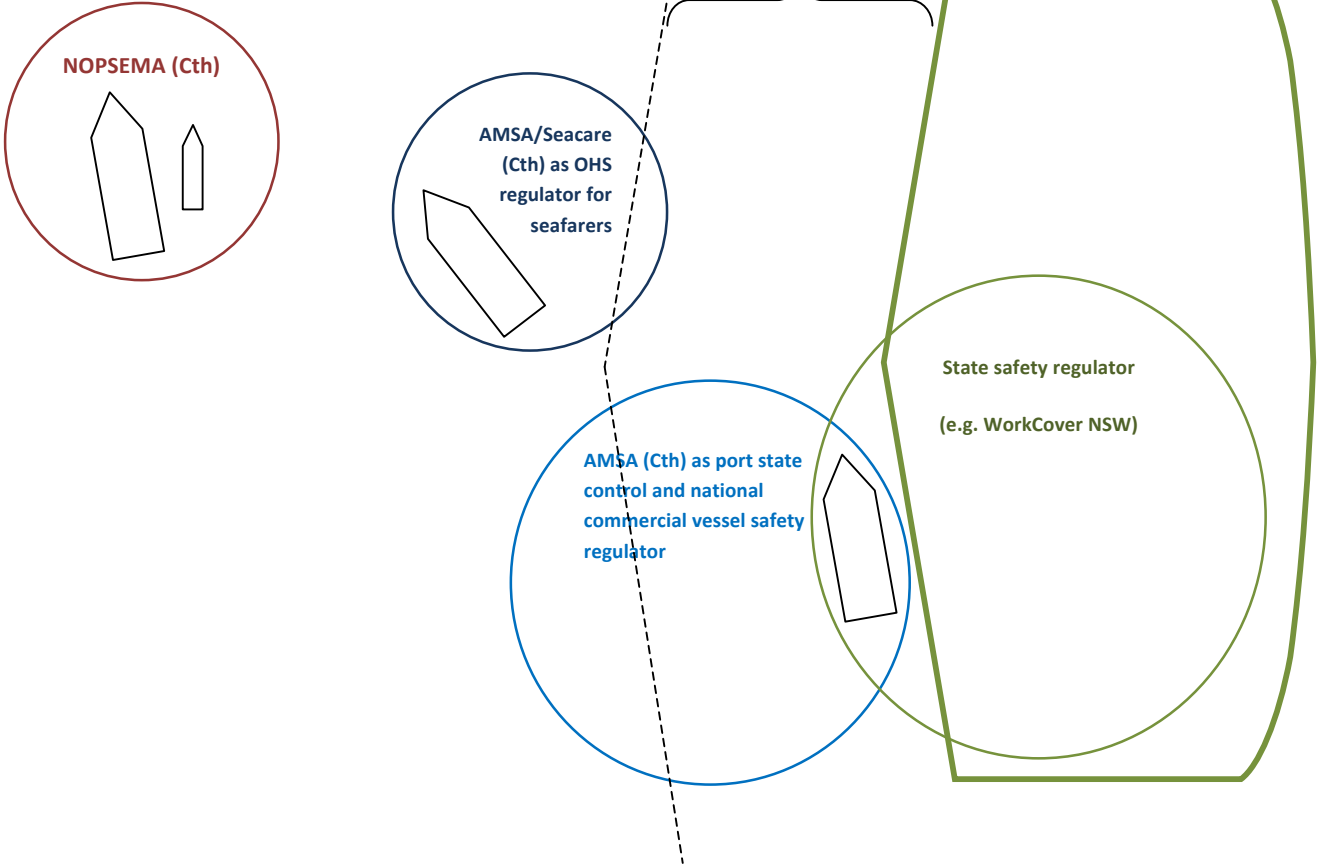
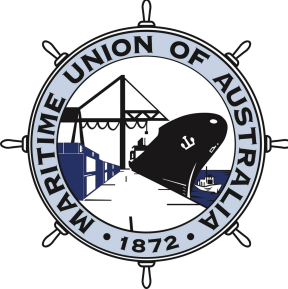


Health and safety jurisdictions in the maritime industry



Jurisdiction	Industry sector	Regulator	Legislation	Application
State WHS	Stevedoring, inshore tugs, port authorities, workers on ferries, and other inshore or land-based work	State safety regulators (e.g. WorkCover NSW, WorkSafe Vic, Work Health and Safety Qld, WorkSafe WA)	State work health and safety legislation (e.g. WHS Act and WHS Regulations 2011)	This state law is the primary health and safety legislation for the waterfront, inshore tugs, port authorities, workers on ferries, and other inshore or land-based work.
Port state control and national commercial vessel regulator	Stevedoring	AMSA	Marine Orders especially Marine Order 32 , a Commonwealth regulation made by AMSA under the Navigation Act 2012 (Cth) .	This regulation applies to the loading and unloading of cargo on ships when in port. It covers a combination of hardware issues and occupational health and safety issues. Section 8.2 of MO32 makes it clear the Marine Order applies concurrently with state laws, and does not displace state laws.
	Seafarers, especially on foreign going vessels	AMSA	Section 94 of the Navigation Act 2012 (Cth) together with ITF arrangements.	Section 94 makes it an offence to engage seafarers in handling cargo in connection with the loading or unloading of a regulated Australian vessel or a foreign vessel if sufficient shore labour is available. This includes lashing and unlashng. According to AMSA, 'sufficient shore labour' means labour being available to work cargo in compliance with MO32. Where compliance with MO32 is under discussion, or in dispute, the Master should not infer that insufficient shore labour is available. Crew will only be permitted to work in strict compliance with MO32. There is no difference between seafarers and Australian stevedoring workers. Further, the use of seafarers to perform dockers work may also be a breach of ITF arrangements.
Seafarers' OHS regime	Australian seafarers	Regulatory functions are split between AMSA and Seacare, with Seacare as the regulator, and AMSA as the inspectorate.	Occupational Health Safety (Maritime Industry) Act 1993 (Cth) and associated regulations, and the Code of Safe Working Practice for Australian Seafarers .	Application is contained in section 6. The definition is complex, but in the general rule is the Act applies to a prescribed ship or prescribed unit that is engaged in trade or commerce between Australia and places outside Australia; or between 2 places outside Australia; or between the States; or within a Territory, between a State and a Territory or between 2 Territories. It also applies to vessels engaged in coastal trade under a general, temporary or emergency licence.
Offshore petroleum OHS regime	Workers on facilities in the offshore oil and gas industry	NOPSEMA	Schedule 3 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Cth) . Unlike other safety regulators, NOPSEMA does not endorse any codes of practice.	Applies to facilities within the meaning set out in clause 4 of Schedule 3 of the OPGGs Act . The definition is very detailed. Generally, to be covered by Schedule 3, the facility must be within Commonwealth waters, and being used, or prepared for use, for any of a range of functions associated with offshore petroleum such as recovery processing, offloading, or storage of petroleum, the provision of accommodation, drilling, pipe laying, erection or dismantling. It does not, however, include offtake tankers, tugs or anchor handlers, or vessels for supply or travel between a facility and the shore. The definition of facility also includes 'an associated offshore place', which is a place where activities such as construction, maintenance, or decommissioning are carried out. Diving is covered in this way.

